

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

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CENTRIPETAL NETWORKS, LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

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Civil Action No. 2:21-CV-00137 –  
EWH-LRL

**MEMORANDUM IN SUPPORT OF DEFENDANT’S  
MOTION FOR RECONSIDERATION OF MOTION IN LIMINE #2 IN  
MEMORANDUM OPINION AND ORDER REGARDING  
PLAINTIFF’S OMNIBUS MOTION IN LIMINE**

Palo Alto Networks (“PAN”) files this motion for reconsideration of one ruling in the Court’s January 9, 2024 decision on Centripetal’s Omnibus Motion in Limine (MIL 2), excluding Defendant’s fact witnesses from testifying regarding the Asserted Patents. In granting this MIL, the Court noted that PAN offered Mr. Zuk, in part, to “provide testimony rebutting certain of Centripetal’s experts’ opinions.” Dkt. 716 at 2; (emphasis added) *see also* Dkt. 555, Ex. K at 4. The Court excluded Mr. Zuk from testifying as an expert witness, after finding that “[p]er the Court’s scheduling order, the parties were required to disclose Rule 26 expert witnesses no later than August 21, 2023” and PAN served Mr. Zuk’s Fed. R. Civ. P. 26(a)(2)(C) disclosure after that date, on September 22, 2023. Dkt. 716 at 3. PAN respectfully disagrees with the Court’s reading of the Court’s Scheduling Order (Dkt 353) and requests the Court reconsider its ruling on MIL 2 as to Mr. Zuk’s providing certain expert opinions.

The Court’s Scheduling Order set the following deadlines for the parties to make rebuttal expert disclosures:

2. Not later than **Monday, August 21, 2023**, each party shall identify all persons it expects to call as expert witnesses on those issues for which it has the burden of proof, and shall serve all other parties with a copy of a written report complying with the requirements of Fed. R. Civ. P. 26(a)(2)(B) and (C) for each such expert witness.

3. Not later than **Wednesday, September 20, 2023**, each defending party shall identify all persons it expects to call as expert witnesses to contradict or rebut expert opinions disclosed

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pursuant to Paragraph 2, and shall serve all other parties with a copy of a written report complying with the requirements of Fed. R. Civ. P. 26(a)(2)(B) and (C) for each such expert witness.

Dkt. 353. This deadline was extended to September 22, 2023 by Court order. Dkt. 426. PAN timely disclosed Mr. Zuk on that date, stating that, “Mr. Zuk may...provide testimony *rebutting* certain opinions expressed in expert reports submitted on behalf of Centripetal...” Dkt. 555, Ex. K at 4. Because Mr. Zuk was disclosed in rebuttal to Centripetal’s experts, his disclosure was timely and fully complied with this Court’s scheduling order. Mr. Zuk was not disclosed as an expert witness on any issue on which PAN bears the burden of proof. Accordingly, he was timely disclosed on the same date as, for example, Defendant’s damages expert, Mr. Christopher Bakewell.

Accordingly, PAN respectfully requests that the Court reconsider its ruling of January 9, 2023, deny Centripetal’s MIL 2 and permit PAN to proffer Mr. Zuk as an expert with respect to the subject matter identified in PAN’s September 22, 2023 disclosure.

January 10, 2024

Respectfully submitted,  
PALO ALTO NETWORKS, INC.  
By Counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 10, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification to all counsel of record who have consented to electronic service.

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